

AP13 Rec'd PCT/PTO 03 JAN 2007

Docket No.: 65792 (46342)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Eiji Sunahara et al.

Application No.: 10/584,183

Confirmation No.: 1851

Filed: June 23, 2006

Art Unit: N/A

For: PREVENTIVE/REMEDY FOR CANCER

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed November 8, 2006, Applicant respectfully submits a Declaration and Power of Attorney, a Supplemental Application Data Sheet, a Sequence Listing CD, a Sequence Listing Paper Copy, a Sequence Listing Statement Pursuant To 37 CFR 1.821(F), an Information Disclosure Statement, an Information Disclosure Citation (PTO SB/08), and Part 2 Copy of Notice.

Please charge our Deposit Account No. 04-1105 in the amount of \$280.00 covering the fee set forth in 37 CFR 1.16(f). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65792 (46342). A duplicate copy of this paper is enclosed.

Dated: January 3, 2007

EDWARDS ANGELL PALMER &
DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205

Respectfully submitted,
By
Lisa Swiszcz Hazzard
Registration No.: 44,368
(617) 439-4444
Attorneys/Agents For Applicant

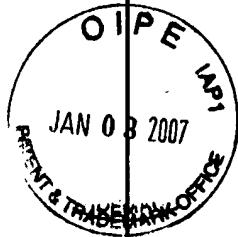


D1-05-07

RJ

Application Number (if known): 10/584,183

Attorney Docket No.: 65792 (46342)



Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV892896971US in an envelope addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on January 3, 2007
Date


SignatureLakeisha Bryant

Typed or printed name of person signing Certificate

Registration Number, if applicable(617) 439-4444

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form (1 page);
Fee Transmittal (1 page);
Response to Notification of Missing Requirements under 35 U.S.C. 371 (1 page);
Supplemental Application Data Sheet (3 pages);
Declaration and Power of Attorney (4 pages);
Statement Pursuant To 37 CFR 1.821(F) (1 page);
Sequence Listing on Compact Disc (1 disc);
Sequence Listing Paper Copy (31 pages);
Information Disclosure Statement (2 pages);
IDS (Citation) by Applicant (12 References) (1 page), including copies of IDS
Citations CA-CB and two (2) CD's containing references BA-BJ;
Part 2 Copy of Notice (3 pages);
Certificate of Express Mailing (1 page);
Charge \$230.00 to deposit account 04-1105;
Return Receipt Postcard.

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <p>FEE TRANSMITTAL For FY 2006</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p align="center">Complete if Known</p> <table border="1"> <tr> <td>Application Number</td> <td>10/584,183</td> </tr> <tr> <td>Filing Date</td> <td>June 23, 2006</td> </tr> <tr> <td>First Named Inventor</td> <td>Eiji Sunahara</td> </tr> <tr> <td>Examiner Name</td> <td>Not Yet Assigned</td> </tr> <tr> <td>Art Unit</td> <td>N/A</td> </tr> <tr> <td>Attorney Docket No.</td> <td>65792 (46342)</td> </tr> </table>		Application Number	10/584,183	Filing Date	June 23, 2006	First Named Inventor	Eiji Sunahara	Examiner Name	Not Yet Assigned	Art Unit	N/A	Attorney Docket No.	65792 (46342)
Application Number	10/584,183														
Filing Date	June 23, 2006														
First Named Inventor	Eiji Sunahara														
Examiner Name	Not Yet Assigned														
Art Unit	N/A														
Attorney Docket No.	65792 (46342)														
<p>TOTAL AMOUNT OF PAYMENT</p>		(\$)	280.00												

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 04-1105 Deposit Account Name: Edwards Angell Palmer & Dodge LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
27	- 24 = 3	x 50.00	= 150.00	Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

HR – list at least three independent variables for interviewees

3 APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/50	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration **130.00**

SUBMITTED BY				
Signature		Registration No. (Attorney/Agent)	44,368	Telephone (617) 439-4444
Name (Print/Type)	Lisa Swiszcza Hazzard		Date	January 3, 2007

01/10/2007 GEREY1 00000037 041105 10584183

01 FC:1615 150.00 DA
02 FC:1617 130.00 DA

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TRANSMITTAL FORM

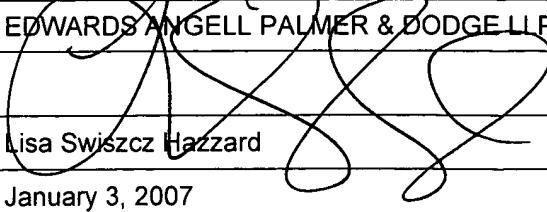
(to be used for all correspondence after initial filing)

		Application Number	10/584,183
		Filing Date	June 23, 2006
		First Named Inventor	Eiji Sunahara
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	49 (excluding references)	Attorney Docket Number	65792 (46342)

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Declaration and Power of Attorney (4 pages); Supplemental Application Data Sheet (3 pages); Statement pursuant to 37 CFR 1.1821(F) (1 page); Sequence Listing Paper Copy (31 pages), including CD containing Computer Readable Sequence Listing; Form PTO/SB/08 (1 page), including copies of IDS Citations CA-CB and two (2) CD's containing references BA-BJ; Part 2 Copy of Notice (3 pages); Certificate of Express Mailing (1 page); and a Return Receipt Postcard.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/>	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Landscape Table on CD	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Lisa Swiszcz Hazzard		
Date	January 3, 2007	Reg. No.	44,368



DGC/LJH

65792 (46342)

COPY
OTHER SIDE
Page 1 of 3

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

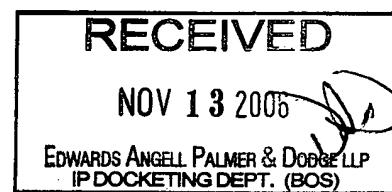
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/584,183	Eiji Sunahara	65792(46342)
INTERNATIONAL APPLICATION NO.		
PCT/JP04/19724		
I.A. FILING DATE	PRIORITY DATE	
12/24/2004	12/24/2003	
CONFIRMATION NO. 1851		
371 FORMALITIES LETTER		
OC000000021154659		

Date Mailed: 11/08/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/23/2006
- English Translation of the IA filed on 06/23/2006
- Copy of the International Search Report filed on 06/23/2006
- Copy of IPE Report filed on 06/23/2006
- Biochemical Sequence Diskette filed on 06/23/2006
- Biochemical Sequence Listing filed on 06/23/2006
- Request for Immediate Examination filed on 06/23/2006
- U.S. Basic National Fees filed on 06/23/2006
- Priority Documents filed on 06/23/2006
- Specification filed on 06/23/2006
- Claims filed on 06/23/2006
- Abstracts filed on 06/23/2006
- Paper nucleotide sequence listings filed on 06/23/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

COPY

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$100** for a Large Entity:

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application OR** a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- Total additional claim fee(s) for this application is **\$ 100**
 - **\$100** for 6 total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

COPY

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/584,183	PCT/JP04/19724	65792(46342)

FORM PCT/DO/EO/905 (371 Formalities Notice)